

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1568.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: May 10, 2000
DATE OF REPORT: June 8, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: June 29, 2000

COMPLAINT ISSUES:

Whether the MSD of Boone Township and the Porter County Education Interlocal violated:

511 IAC 7-10-3 with regard to the school's alleged failure to utilize the date of the parent's written request for an educational evaluation as the beginning of the instructional day timeline within which an educational evaluation must be conducted and a case conference committee (CCC) meeting convened.

During the course of the investigation, additional issues were identified, which are:

34 CFR 300.527(b)(2) with regard to the school's alleged failure to conduct an educational evaluation for a student whose behavior or performance demonstrates the need for special education services.

511 IAC 7-7-1(a)(2) with regard to the school's alleged failure to provide the parent with written notice of the procedural safeguards prior to the initiation of an educational evaluation.

FINDINGS OF FACT:

1. The student is fourteen years old and will be attending the ninth grade this fall. She is in the process of being evaluated for special education.
2. The school received a letter from the parent on April 25, 2000, requesting the student be evaluated for special education. The school acknowledges that this is the date that will be used to determine the forty instructional day timeline to complete the educational evaluation and to convene a CCC meeting. According to the local special education supervisor, the forty instructional day timeline will not expire until September 5, 2000. The student received an educational evaluation on June 1 and 2, 2000. It is the school's intent to convene a CCC meeting no later than June 23, 2000, to review the completed evaluation and to determine the student's eligibility for special education.
3. According to the local special education supervisor, the student has earned mostly A's and B's throughout her elementary and middle school years. Her eighth grade ISTEP scores are as follows:

national percentiles/grade equivalents

| | | |
|---------|-----|-----|
| Reading | 52% | 8.3 |
|---------|-----|-----|

| | | |
|--------------------|-----|------|
| Reading Vocabulary | 59% | 9.5 |
| Reading Composite | 56% | 8.8 |
| Language | 50% | 8.1 |
| Language Mechanics | 71% | 10.9 |
| Composite | 61% | 9.6 |
| Math | 49% | 8.0 |
| Math Computation | 71% | 9.8 |
| Math Composite | 60% | 9.1 |

For ISTEP purposes, the student tested at grade level or higher in the above-mentioned academic areas. School personnel describe the student as responsible with a good work ethic. She has many friendships and has displayed appropriate behaviors across different school settings.

4. Two incidents occurred during the past few months where the student became agitated in class. School personnel believe one incident was due to the student being upset over a parent's illness, and the other incident was due to the student being caught passing a note in class. In addition, the student went to the school nurse on three occasions during the months of March and April 2000, indicating she was anxious. Although these occurrences are somewhat out of character for the student, they were considered situational by the school and not an indication of the student's overall emotional stability. The local special education supervisor states that during this period of time the student maintained good grades, appropriate behaviors, and positive relationships with both peers and adults.
5. The local special education supervisor states the parent was offered a parent rights handbook at the conclusion of the May 25, 2000, meeting to discuss the necessity for an educational evaluation. The student was not evaluated until June 1 and 2, 2000.
6. The sound quality of the audio tapes provided to the Division from the parent advocate concerning the meeting convened on May 25, 2000, is extremely poor. Although all participants did identify themselves by name and title on one of the tapes, at times it could not be distinguished as to who was speaking during the meeting. The student's last name was not mentioned on the tapes nor was the purpose of the meeting identified.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the forty instructional day timeline to complete the educational evaluation and to convene a CCC meeting has not expired. Therefore, no violation of 511 IAC 7-10-3 is found.
2. Finding of Facts #3 and #4 indicate the school did not have prior knowledge that the student in question had a suspected disability. Therefore, no violation of 34 CFR 300.527(b)(2) is found.
3. Finding of Fact #5 indicates the school provided the parent with written notice of the procedural safeguards prior to the initiation of an educational evaluation. Therefore, no violation of 511 IAC 7-7-1(a)(2) is found.

The Department of Education, Division of Special Education, requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: June 8, 2000